

**RESOLUTION
BOROUGH OF CLAYTON
APPOINTING BROWN & CONNERY
AS EMPLOYMENT ATTORNEY FOR THE BOROUGH OF CLAYTON
FOR THE YEAR 2021, PURSUANT TO THE LOCAL PUBLIC
CONTRACTS LAW
(N.J.S.A. 40A:11-1, ET SEQ.)**

R-26-21

WHEREAS, there exists a need for an Employment Attorney in the Borough of Clayton for the purpose of providing the Borough with legal services and advice; and

WHEREAS, funds are or will be available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires the governing body of a contracting unit to public a notice in a newspaper authorized by law to publish its legal advertisements, setting forth the nature, duration, service and amount of the contract where such contract is awarded for “professional services” without competitive bidding;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Clayton as follows:

1. That Brown & Connery, be hereby appointed as Employment Attorney for the Borough of Clayton, to provide legal services and advice to the officials of said Borough for the year 2021.
2. The term of this contract shall be from January 1, 2021 to December 31, 2021, in an amount not to exceed \$75,000.00.
3. Donna Nestore, CFO, for the Borough of Clayton certifies the above referenced dollar amount is available through the Legal O&E line item in the 2021 budget. The maximum dollar value is based on a reasonable estimate of the goods or services required over the contract term, and the Borough of Clayton is not obligated to spend that amount.
4. That the appropriate officers of the Borough of Clayton are hereby authorized to enter into the contract with the firm of Brown & Connery, for legal services above specified, for a term of one (1) year, commencing January 1, 2021, and to be paid in accordance


with the 2021 budget.

5. This contract is awarded without competitive bidding as a “professional service” under the provision of the Local Public Contracts Law because the specialized training, education, experience and specialized knowledge needed for this position cannot be properly described in specifications which would have to be prepared for competitive bidding, and because the law permits agreements for professional services without public advertising and bidding therefore.

6. A notice of the award of this contract shall forthwith be printed once in The Sentinel or South Jersey Times, the official newspaper of the Borough of Clayton, authorized by law to publish the legal advertisements of the Borough of Clayton, setting forth the nature, duration, service and amount of the contract, and further stating that this resolution and the annexed contract are on file and available for public inspection in the Office of the Clerk of the Borough of Clayton.


ADOPTED, at the reorganization meeting of the Mayor and Council of the Borough of Clayton on January 7, 2021.

BOROUGH OF CLAYTON



Thomas Bianco, Mayor

ATTEST:



Christine Newcomb
Municipal Clerk

CERTIFICATION

I, Christine Newcomb, Municipal Clerk of the Borough of Clayton, do hereby certify that the foregoing Resolution was presented and duly adopted by the Borough Council at the reorganization meeting of the Borough of Clayton, held on January 7, 2021.

Christine Newcomb
Municipal Clerk

CONTRACT FOR PROFESSIONAL SERVICES

This Agreement, made this 7th day of January, 2021, by and between:

Borough of Clayton, a municipal corporation of the State of New Jersey, with an address at 125 North Delsea Drive, Clayton, New Jersey 08312 (hereinafter referred to as "Borough" and Brown & Connery, LLP, with an address at 360 Haddon Avenue, Westmont, New Jersey 08108 (hereinafter referred to as "Borough Employment Labor Attorney," "Contractor" or "Firm").

WITNESSETH:

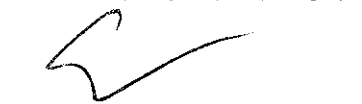
That in consideration of the mutual covenants hereinafter set forth, the parties hereto do hereby agree as follows:

1. The Borough hereby appoints the Borough Employment Labor Attorney to represent the Borough for a term of one (1) year, commencing on January 1, 2021, and he shall perform all duties required of a local representative of the Borough.
2. During the term of this Agreement, the Borough Employment Labor Attorney shall devote his best efforts to advance the interest of the borough; he shall perform his duties to the best of his ability and in accordance with the Code of Professional Ethics by the New Jersey Supreme Court.
3. Employment Labor Attorney shall bill Borough at the following hourly rates:
 - a. \$195.00 per hour for all time spent by Attorney or any attorney employed by the Firm or any per diem attorney utilized by the Firm; and
4. This Agreement shall remain in effect until December 31, 2020.

ATTEST:


CHRISTINE NEWCOMB, Clerk

BOROUGH OF CLAYTON

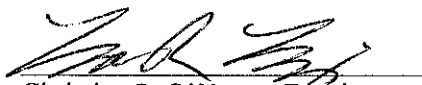

THOMAS BIANCO, Mayor

ATTEST:



AMY J. MCCAUSLAND
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES MAY 15, 2021

LAW OFFICES OF
BROWN & CONNERY, LLP


Christine P. O'Hearn, Esquire
Louis R. Lessig, Esquire

bargaining agreements and provides support and guidance with policies and related HUD concerns as requested by the client.

63. Housing Authority for the City of Long Branch

2 Hope Lane
Long Branch, New Jersey 07740

(2019 - present) Harassment Prevention Training and counseling.

Contact: Gloria Wright, Executive Director
(732) 222-3747 x124

Brown & Connery, LLP provided harassment training for all employees of the LBHA as well as for the Commissioners. The firm provides additional counsel and support as requested by the client as well as advising on matters dealing with the New Jersey Division on Civil Rights.

VII. FEES

Brown & Connery is committed to the delivery of the finest quality legal services to our clients. Our law firm is also committed to improving the quality of life in the community in which we live and work -- including improving the level of government services. Brown & Connery would like to assist in the efficient and economic delivery of services. We recognize that local governments and institutions have limited resources and are faced with increasing demand for services. Brown & Connery has, in its prior representation of similar entities, provided its legal services at fee levels that are far less than those usually charged to private and corporate clients. The firm proposes an hourly rate of **\$195.00 for all attorneys, \$105.00 per hour for paralegals and law clerks and \$130.00 per hour for technology assistants. To the extent any matter handled by the firm is covered by an insurance agreement, the firm will accept those rates determined by the insurer.**

Billable time would include reasonable time spent in all aspects of client representation, including, but not limited to, telephone conversations, drafting and review of correspondence and other documents, conferences, preparation for and attendance at grievances, mediations, arbitrations, depositions and court hearings, legal research and travel (after getting approval). Secretary time and word processors time would not be billed.

Reasonable expenses incurred in connection with professional services on your behalf would also be billed, including, but not limited to the expense of postage, filing fees, service of process, long distance telephone charges, computer-assisted research, copying and facsimile charges, expert and consulting fees and travel costs. We would not incur out-of-state travel expenses or expert or consulting expenses without consulting with you and obtaining approval from you in advance.

Our invoices are itemized by date, name of professional, description of service and number of hours, and type and amount of disbursement. Invoices are issued monthly and payment is due within thirty days.

VIII. MISCELLANEOUS DOCUMENTS AND INFORMATION

All required documents are attached as **Exhibit B**.

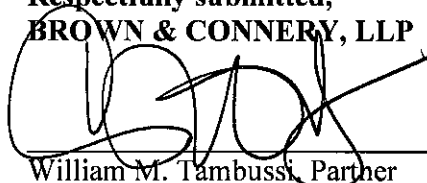
The firm is not presently aware of any conflict of interest or potential conflict of interest related to the proposed work.

There are no regulatory or criminal investigations, or pertinent litigation pending against the firm.

The firm is not currently representing any public sector labor unions.

The firm maintains insurance that meets or exceeds the requirements of the Borough.

**Respectfully submitted,
BROWN & CONNERY, LLP**

A large, stylized handwritten signature in black ink, likely belonging to William M. Tambussi, is written over a horizontal line.

William M. Tambussi, Partner
Christine P. O'Hearn, Partner
Louis R. Lessig, Partner

STATE OF NEW JERSEY		DEPARTMENT OF TREASURY	
BUSINESS REGISTRATION CERTIFICATE		DIVISION OF REVENUE	
TREASURY		TREASURY	
TAXPAYER NAME:	TRADE NAME:	SEQUENCE NUMBER:	
BROWN & CONNERY, LLP		1002365	
TAXPAYER IDENTIFICATION#:	ISSUANCE DATE:		
210-690-243/0001	10/06/04		
ADDRESS:	EFFECTIVE DATE:		
360 HADDON AVE	03/15/97		
WESTMONT NJ 07081	FORM-BRC(08-01)		
This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.			